

Decision 03-02-018 February 13, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Livermore for an order authorizing the construction and reconstruction of a crossing at separated grades between Greenville Road and the tracks of the Union Pacific Railroad Company at Railroad Milepost 52.06 in the City of Livermore. (CPUC No. 004-52.00-B)

Application 02-07-035
(Filed July 8, 2002)

O P I N I O N

Summary

The City of Livermore (City), requests authority to reconstruct a crossing at the existing separated grade for Greenville Road below the tracks of the Union Pacific Railroad Company (UP) in the City of Livermore, in Alameda County. The proposed grade-separated highway-rail crossing will widen Greenville Road at this location to a total of four vehicular lanes and two bike lanes, at CPUC Crossing No. 004-52.00-B.

Discussion

Greenville Road is the easternmost north-south connection between Interstate 580, Lawrence Livermore and Sandia Laboratories, East Avenue and the Altamont Hills. A map of the project vicinity is set forth as Appendix D in the application.

The proposed grade-separated highway-rail crossing structure will carry the UP's main line tracks across a Greenville Road by means of a concrete bridge

with concrete center supports and abutments of adequate width to accommodate a twin structure and double track. The total length of structure along the railroad will be about 105 feet. The railroad will be supported on a new concrete bridge and temporary track during the construction of the permanent replacement structure.

The City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resource Code Section 21000 et seq. On July 9, 2001, after preparation and review of an Initial Study/ Environmental Assessment (ISEA), the City filed a CEQA Notice of Determination with the County of Alameda County Clerk, which adopted a Mitigated Negative Declaration that included mitigation measures as a condition of approval.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA Guideline Section 15050(b) requires that a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project. The specific activities, which must be conducted by the responsible agency, are contained in CEQA Guideline Section 15096.

The Commission has reviewed and considered the lead agency's environmental documents and we find these documents adequate for our decision-making purposes. The Mitigated Negative Declaration included mitigation measures designed to help avoid significant environmental impacts. Safety, security and transportation are within the scope of the Commission's permitting process.

Mitigation measures for the project within the Commission's permitting authority relate to potentially significant noise impacts. To mitigate additional

noise, construction equipment will be regulated to limit noise levels to 90 dBA at a distance of 50 feet from the source, to the extent possible and all muffling and shielding devices on equipment will be maintained in good mechanical condition to minimize noise.

We find that the City adopted reasonable mitigation measures to substantially reduce or eliminate potential environmental impacts and we adopt these mitigations for purposes of our approval.

There will be no environmental impact on schools, neighborhoods, recreational facilities including parks and open space, timberlands, agriculture, industry, employment, the economy or topography.

The Commission's Consumer Protection and Safety Division - Rail Crossings Engineering Section (RCES) inspected the site and examined the need for and safety of the proposed crossing. RCES recommends that the authority to reconstruct the crossing be granted.

Application 02-07-035 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 39, which relates to the widening of an existing crossing.

In Resolution ALJ 176-3092 dated August 8, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3092.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the

otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on July 26, 2002. No protests have been filed.
2. The City requests authority, under Public Utilities Code Sections 1201-1205, to reconstruct a separated grade below the tracks of the UP at Greenville Road, CPUC Crossing No. 004-52.00-B.
3. Public convenience and necessity require the reconstruction of the separated grade at Greenville Road in Alameda County.
4. The City is the lead agency for this project under CEQA, as amended.
5. The City filed a Mitigated Negative Declaration that included mitigation measures as a condition of approval.
6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's environmental documents.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.
2. The Commission finds the lead agency adopted reasonable mitigation measures to eliminate or substantially lessen potentially significant environmental impacts and we adopt the City's mitigations for purposes of our approval.
3. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The City of Livermore (City) is authorized to reconstruct a crossing at separated grades at Greenville Road below the tracks of the Union Pacific Railroad Company (UP) at the location as shown on the plans attached to the application, to be identified as CPUC No. 004-52.00-B.
2. Clearances shall be in accordance with the Commission's General Order (GO) 26-D.
3. Walkways shall conform to GO 118. Walkways adjacent to track subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.
4. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the City and UP (parties). The City shall file a copy of the agreement with the Rail Crossings Engineering Section (RCES) prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.
5. The City shall file approved final construction plans with RCES prior to commencing construction.
6. Within 30 days after completion of this project, UP shall notify RCES in writing by submitting a completed Standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations) that the authorized work is completed.
7. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

8. This application is granted as set forth above.

9. Application 02-07-035 is closed.

This order becomes effective 30 days from today.

Dated February 13, 2003, at San Francisco, California.

MICHAEL R. PEEVEY
President
CARL W. WOOD
LORETTA M. LYNCH
GEOFFREY F. BROWN
SUSAN P. KENNEDY
Commissioners